

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA

vs.

PATRICK NEAL ROSS (8)

§
§
§
§
§

Case No. 4:01cr29
(Judge Crone)

REPORT AND RECOMMENDATION **OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on November 13, 2013, to determine whether Defendant violated his supervised release.

On September 28, 2001, Defendant was sentenced by the Honorable Paul Brown to one hundred and fifty-one (151) months' custody followed by a term of supervised release for the offense of Conspiracy to Manufacture, Distribute, Possess with Intent to Manufacture, Distribute, Dispense Cocaine Base (Count One) and Establishment of Distribution Operations (Count Eighteen). On May 9, 2008, the Court reduced the term of imprisonment to one hundred and twenty-one (121) months.

On November 2, 2010, Defendant's supervised release was revoked and he was sentenced to eight (8) months' imprisonment followed by an additional sixty (60) months of supervised release. On May 13, 2011, Defendant completed his period of imprisonment and began service of his new supervised term.

On October 17, 2013, the U.S. Probation Officer executed a Petition for Warrant for Offender Under Supervision. The petition asserted that Defendant violated various mandatory and standard conditions.

The petition alleges that Defendant committed the following acts with regard to the

violations: (1) On or about September 18, 2013, Defendant was arrested by Sherman, Texas, Police Department and charged with Possession of Marijuana less than 2 ounces. It is alleged that Defendant was driving his vehicle with passengers James Columbus, Ladonna Evelyn, and Mark Williams, when it was pulled over and a search warrant was executed. A loose useable amount of marijuana was located in the center console of the vehicle. Mark Williams had a usable amount of marijuana in his right front pants pocket, and Ladonna Evelyn removed two small clear baggies of marijuana from her bra. The search warrant also included Defendant's residence. At his residence, a gallon size bag containing marijuana residue was located in the trash near the kitchen along with marijuana seeds and stems. Defendant was released on the same date after posting a \$1,500 surety bond; (2) On October 4, 2013, Defendant admitted to associating with Kavan, Brandie, and Senvia who were at his residence smoking marijuana about two days prior to the search warrant being executed at his residence, also noting this as the reason for the marijuana seeds and stems in his kitchen trash can. Defendant also stated there have been several occasions where individuals have smoked marijuana at his residence; and (3) Defendant has failed to make a payment toward the fine for the months of July, August, September, October, and December, 2011, January, March, April, May, June, August, October, and November, 2012, as well as January, February, March, April, July, August, and September, 2013. Defendant's outstanding balance was \$2,053.54.

Prior to the Government putting on its case, Defendant entered a plea of true to all the violations.

RECOMMENDATION

The Court recommends that the District Judge revoke Defendant's supervised release. Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of eight (8) months with no

supervised release to follow.

After the Court announced the recommended sentence, Defendant executed the consent to revocation of supervised release and waiver of right to be present and speak at sentencing.

Defendant and the Government also waived their right to file objections.

SIGNED this 13th day of January, 2014.


AMOS L. MAZZANT
UNITED STATES MAGISTRATE JUDGE